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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,386	01/26/2004	Hideki Nonaka	1232-5259	2540
27123	7590	06/13/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			KAO, CHIH CHENG G	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

H:A

Office Action Summary

Application No.

10/765,386

Applicant(s)

NONAKA ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006 and 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 28, 2006, has been entered.

Claim Objections

2. Claims 1 and 4 are objected to because of the following informalities, which appear to be minor draft errors including grammatical and/or lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following correction(s) may obviate the objection(s): (claim 1, lines 6-7, "object; a controller"; inserting - - and - - before "a controller"), (claim 1, line 9, "detector to be used"; replacing "detector" with - - detectors- -), (claim 1, line 10, "the basis"; replacing "the" with - -a- -), (claim 4, line 6, "detector to be used"; replacing "detector" with - -detectors- -), (claim 4, line 7, "the basis"; replacing "the" with - -a- -), and (claim 4, lines 7-8, "the made detector"; replacing "made" with - -mode- -).

For purposes of examination, the claims have been treated as such. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khutoryansky et al. (US 6047042) in view of Ivan et al. (US 5877501).

Khutoryansky et al. discloses a radiographic apparatus (fig. 1, #100) comprising a flat panel detector (fig. 1, #118, and col. 5, lines 54-55) configured to detect a radiographic image of an object (fig. 1, #116), a plurality of radiation dose detectors (fig. 1, #120a-120e) to detect a dose of radiation from the object (col. 7, lines 38-42), and a controller (fig. 1, #112) configured to select at least one of the radiation dose detectors to be used for controlling exposure amount of the flat panel detector on a basis of a positional relationship (col. 7, lines 26-34) between the object (fig. 1, #116) and the radiographic apparatus (fig. 1, #100).

However, Khutoryansky et al. fails to disclose radiation dose detectors arranged in a detector.

Ivan et al. teaches radiation dose detectors arranged in a detector (col. 5, lines 31-33).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the apparatus of Khutoryansky et al. with the arrangement of Ivan et al., since rearranging parts of an invention involves only routine skill in the art (col. 5, lines 27-33) as shown by Ivan et al. One would be motivated to make such a modification to have a more compact apparatus compared to an apparatus having separate detectors.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al. (JP 06-251893) in view of Ivan et al. (US 5877501).

Kobayashi et al. discloses a radiographic apparatus (fig. 1) comprising a detector (fig. 1, F) configured to detect a radiographic image of an object (fig. 7, #103), a plurality of radiation dose detectors (figs. 6a and 6b, L and L') to detect a dose of radiation from the object, selecting at least one of the radiation dose detectors (figs. 6a and 6b, L or L') to be used for controlling exposure amount (abstract, "automatic exposure control") of the detector on a basis of a positional relationship (figs. 6a and 6b) between the object and the radiographic apparatus (paragraph 34), detecting (paragraph 34, line 1) whether the apparatus is set in a portrait mode or landscape mode (figs. 6a and 6b), and selecting at least one of the radiation dose detectors to be used for controlling exposure amount of the detector on a basis of output (paragraph 34).

However, Kobayashi et al. fails to disclose radiation dose detectors arranged in a flat panel detector, a mode detector, and a controller.

Ivan et al. teaches radiation dose detectors arranged in a flat panel detector (abstract and col. 5, lines 31-33).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the apparatus of Kobayashi et al. with the detector of Ivan et al., since one would be motivated to make such a modification to speed up image processing (col. 1, lines 16-21) as shown by Ivan et al.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to include the apparatus of Kobayashi et al. with a mode detector and

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controller, since broadly providing automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. One would be motivated to make such a modification to reduce work for an operator.

Response to Arguments

5. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Chih-Cheng Glen Kao
Examiner
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